

10/803,012

is placing reliance upon this passage, in evaluating the teachings, suggestions and disclosures of this reference, two questions must be addressed:

Firstly, what is the teaching of Robinson et al. '010 regarding forming "etched character(s)"?

Secondly, what is the teaching of Robinson et al. '010 regarding taking the photo-luminescent characters formed in conventional fashion and applying them directly to the rear surface 17 of first panel 12?

#### "Etched Characters"

More specifically Robinson et al. '010 relates to an edge lit panel. It is respectfully submitted that once the Examiner has additional background information regarding edge lit panels, it will become apparent that the teachings, suggestions and disclosures of Robinson et al. '010 do not anticipate the presently claimed invention.

In this regard the Applicant asks that the Examiner review Holmes Jr. '165 (United States Patent 5,499,165). The Holmes Jr. '165 reference is not of particular relevance, but it does contain a summary of the teachings in the art regarding the science behind "frosting or etching" of edge lit panels. The purpose of "frosting or etching" is to selectively cause light within the panel to be refracted. Holmes Jr. '165 indicates that the degree of "frosting or etching" is critical.

It is respectfully submitted that Robinson et al. '010 is "etching" the characters or letters of the word "EXIT" for the purpose of selectively causing light to be refracted to better illuminate those etched letters. It is further respectfully submitted that the use of the term "etching" interchangeably with the term "frosting" in the Holmes Jr. '165 reference is indicative of the meaning of the synonymous meaning of those terms in the art. Further, it is finally respectfully submitted that if the degree of frosting or etching is critical—as indicated by Holmes Jr. '165—then creating a trough or recess into which a photo-luminescent material may be inlaid, as presently claimed, is not within the teachings, suggestions, disclosure or possible hints of Robinson et al. '010.

#### Forming Photo-luminescent Characters in A Conventional Fashion

Robinson et al. '010 indicates that the photo-luminescent characters are formed in a "conventional fashion", indicating that this was well known in the Prior Art and, as such, not

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10/803,012

requiring any further explanation. In the Background of the Invention of the Robinson et al. '010 reference, there is only one patent referred to in the description of prior art, that being U.S. Patent 6,363,498 (Burbank '498). The Burbank '498 reference also describes the use of conventional means, the complete phrase being "by conventional silk screen means".

It is respectfully submitted that the teaching of Robinson et al. '010 is to form photo-luminescent characters upon a second panel 15 by silk screening. It is further respectfully submitted that the description relating to the alternative of attaching to rear surface 17 of panel 12 is also a reference to silk screening.

#### Conclusion

The specific recitations and limitations, of the presently claimed invention, is to form an "inlaid cavity" defining alpha-numeric or graphic indicia in a sign plate made from a single layer of transparent material. It is respectfully submitted that the teaching of Robinson et al. '010 is to "etch" the alpha-numeric characters on a single layer of transparent material, the "etching" amounting to a frosting for the purpose of selectively refracting light to better illuminate the alpha-numeric characters. This "etching" being an accepted technique used in edge lit systems. However, it is respectfully submitted that the "etching" or "frosting" technique does not form an "inlaid cavity" which could be filled with epoxy as with the presently claimed invention.

The specific limitations of the presently claimed invention is to fill the "inlaid cavity" with a luminescent epoxy. It is respectfully submitted that Robinson et al. '010 is merely concerned with alignment of the photo-luminescent characters with the etched portions of the panel. This is shown as being done by screen printing on to second panel 15. However, a viable alternative is to screen print the photo-luminescent characters directly onto rear surface 17 of first panel 12. It is respectfully submitted that the screen printing of Robinson et al. '010, onto rear surface 17 of first panel 12 in alignment with alpha-numeric characters 22, is not the filling of an "inlaid cavity" with an epoxy as presently claimed.

In view of the foregoing remarks and distinctions, it is respectfully submitted that the present application is now in a condition for allowance. The Applicant, therefore, requests the early issue of a Notice of Allowance. However, in the event that any amendment to this application is believed necessary to advance prosecution and place this case in allowable form,

08/08 - 11:14 pm

10/803,012

the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Robinson et al. '010 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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6/9/08 4:14 pm

- 4 -